

**REMARKS**

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested.

Claims 1-4 and 7-21 are pending in this application. By this Amendment, Applicants have cancelled Claims 5 and 6 without prejudice and amended Claims 1-3, 7, 9, 13, 17 and 19. New Claims 20 and 21 have been added by this amendment. The claim amendments were made to more precisely define the invention in accordance with 35 U.S.C. 112, paragraph 2. These amendments have not been necessitated by the need to distinguish the present invention from any prior art. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

In the Office Action, Claims 1-19 were rejected under 35 U.S.C. § 103 (a) over U.S. Patent No. 6,807,388 to Kojima et al. in view various references in combination including U.S. Patent No. 7,216,360 to Nakao et al., U.S. Patent No. 5,673,190 to Kahleck, and U.S. Patent No. 5,475,377 to Lee.

Kojima et al. disclose a data monitoring method that simply tracks where the images go. By tracing the images to users, one can after the fact determine if wrongdoing occurred. Such storage of gross information is exactly the one of the shortcomings that the subject invention overcomes as noted in paragraph 8 of the application as published.

Nakao et al. disclose an image counter that may be weekly or monthly. When the count is reached, an email indicating the usage is sent to an administrator. Arguably, higher usage may indicate a higher likelihood of abuse but it is not necessarily so and

Nakao et al. do not teach, suggest or recognize advantageously applying such a criteria. Indeed, Kojimaa et al. do not recognize it either.

Kahleck simply teaches counting color copies and using such count as an alarm.

Turning to Claim 1, which now includes the limitations of Claim 5, if Kojima et al., Nakao et al. and Kahleck were combined as suggested by the Examiner in his rejection of Claim 5, one would have a system storing the large volume of data that Kojima et al. store, and the system would additionally store and track a counter for each user per Nakao et al. while using the count of color copies as an alarm as taught by Kahleck.

There is nothing in Kojima et al., Nakao et al. and Kahleck that discloses or suggests, either alone or in combination, in whole or in part, the device defined by the Claim 1 of the subject application. In particular, there is nothing in either Kojima et al., Nakao et al. or Kahleck which discloses or suggests, an unauthorized usage monitoring system for monitoring unauthorized usage of an image processing device, which performs image processing in response to a request for image processing, including an identification means for identifying a user who requests image processing; a storage means capable of storing information in which the user identified by the identification means is associated with at least a portion of the image data for which the user requested image processing, and a determination means for determining whether or not to carry out information storage to the storage means, wherein the determination means uses an information storage ratio that is set based on a tendency for unauthorized usage of the image processing device corresponding to an environmental condition to determine whether or not to carry out information storage to the storage means, wherein the environmental

condition for setting the information storage ratio is the number of people in a space in which the image processing device is installed, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for lower numbers of people in the space in which the image processing device is installed. The combination of references made by the Examiner does not recognize such an environmental parameter let alone using it as claimed. Therefore, Claim 1 and each of the claims depending therefrom are not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Turning to Claim 2, which now includes the limitations of Claim 9, Kahleck teaches controlling access to the multifunction copier device when limits are exceeded (see col. 3, lines 46-49). Kahleck does not teach tracking users signing in and out of the office as suggested by the Examiner. If Kojima et al., Nakao et al. and Kahleck were combined as suggested by the Examiner in his rejection of Claim 9, one would have a system storing the large volume of data that Kojima et al. store, and the system would additionally store and track a counter for each user per Nakao et al. while preventing access to the multifunction device when a limit is reached as taught by Kahleck.

There is nothing in Kojima et al., Nakao et al. and Kahleck that discloses or suggests, either alone or in combination, in whole or in part, the device defined by the Claim 2 of the subject application. In particular, there is nothing in either Kojima et al., Nakao et al. or Kahleck which discloses or suggests, an unauthorized usage monitoring system, *inter alia*, wherein the unauthorized usage monitoring system is installed in an office, and wherein, in determining whether or not to carry out information storage to the storage

means, the determination means obtains information concerning signing in to and signing out from work at the office, and uses an information storage ratio that is higher for lower numbers of people signed in at the office. As such, when few people are in the office and abuse is more likely, the system will store relatively more information. The combination of references made by the Examiner does not recognize let alone apply such an invention as claimed. Therefore, Claim 2 and each of the claims depending therefrom are not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Turning to Claim 3, which now includes the similar limitations to that of Claim 7, if Kojima et al. and Nakao et al. were combined as suggested by the Examiner in his rejection of Claim 7, one would have a system storing the large volume of data that Kojima et al. store, and the system would additionally store and track a counter for each user per Nakao et al.

There is nothing in Kojima et al. and Nakao et al. that discloses or suggests, either alone or in combination, in whole or in part, the device defined by the Claim 3 of the subject application. In particular, there is nothing in either Kojima et al., Nakao et al. or Kahleck which discloses or suggests, an unauthorized usage monitoring system, *inter alia*, wherein the environmental condition for setting the information storage ratio is normal business hours versus not normal business hours, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for days and times that are not normal business hours. As such, during off-hours abuse is more likely, hence the system will store relatively more information. The combination of references made by the

Examiner does not recognize let alone apply such an invention as claimed. Therefore, Claim 3 and each of the claims depending therefrom are not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

The Examiner took Official Notice that several limitations of the claims were notoriously well-known in the prior art such as using a password instead of a random number. The applicant hereby seasonably traverses such Official Notice and requests evidence in support of same in the event that the rejections are maintained.

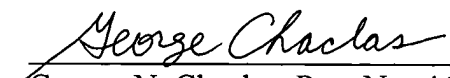
Applicant has added new Claims 20 and 21 which are directed to additional patentable aspects of the subject invention. Applicant respectfully submits that new Claims 20 and 21 patentably distinguish over the art of record, and allowance of these claims is respectfully requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: December 28, 2007

  
George N. Chaclas, Reg. No. 46,608  
Edwards Angell Palmer & Dodge LLP  
Attorney for Applicants  
P.O. Box 55874  
Boston, MA 02205  
Tel: (401) 276-6653  
Fax: (888) 325-1684  
Email: gchaclas@eapdlaw.com